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FISCAL IMPACT REPORT

SPONSOR: Sharer DATE TYPED: 3/10/03 HB _____

SHORT TITLE: Educational Standards Waivers SB 80/aSEC

ANALYST: Segura

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

State Department of Education (SDE)
Commission on Higher Education (CHE)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendments are technical in nature and do not change the original intent of the bill. The amendment does include a new subsection that reads:

The state board shall only waive requirements that do not conflict with the federal No Child Left Behind Act of 2001 or rules adopted pursuant to that act.

Synopsis of Original Bill

Senate Bill 80 adds a section to the Public School Code requiring the State Board of Education (SBE) to waive for all public schools that exceed educational standards certain statutory requirements, including the following:

- (1) accreditation review,
- (2) length of school day,
- (3) individual class load requirements,
- (4) subject area requirements,

- (5) graduation requirements,
- (6) evaluation standards for school personnel and
- (7) purchase of instructional materials from the SBE-approved list.

Additional waivers could be requested to support innovations.

Significant Issues

Existing statutes provide for a basic set of consistent requirements for all schools. The SBE cannot currently waive statutory requirements, and the state's accountability system is developed to reflect those statutory requirements.

SDE reports this bill is potentially in conflict with the federal No Child Left Behind Act (NCLB) with a single state accountability system that is applied equally and fairly. The state accreditation process ensures that a school adheres to statutory requirements that will be aligned with NCLB.

ADMINISTRATIVE IMPLICATIONS

For the state's accountability system to be effective, all schools must submit similar data to the SDE in order to ensure appropriate comparisons are made between the SBE's performance standards, achievement of the schools district's students and compliance with the provisions of NCLB.

TECHNICAL ISSUES

Since the waiver process is outlined for schools that exceed educational standards, may it be assumed that these schools would continue to meet all requirements of the State Accountability system and other federal laws such as the NCLB?

POSSIBLE QUESTIONS

1. Could a waiver of state statutory requirements be construed as giving up legislative authority?
2. How many school districts have expressed an interest in this type of waivers?

RS/njw